

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
 v.) CRIMINAL NO. 04-10075-PBS
)
 MIGUEL IBARRA)

JOINT MOTION TO CONTINUE TRIAL DATE

____ Defendant Miguel Ibarra with the assent of the government by Assistant United States Attorney Rachel Hershfang moves that this Court continue the trial date which is presently scheduled for March 28, 2005 to May 9 or 16 or to July 18 or August 1, 2005. This request is based upon recent developments which have resulted in renewed negotiations that the parties hope will make a trial of this matter unnecessary.

As the Court is aware a co-defendant in this case pled guilty earlier in the week and agreed to testify on behalf of the government. In addition, the defendant has filed a motion to exclude evidence which will require briefing and a hearing before trial. The parties are now in serious plea discussions. We anticipate the continuance will allow the parties to conclude the negotiations and quite likely avoid a trial or judicial decision on various pretrial motions.

The parties anticipate that the trial of this matter will take approximately one week. Should the court allow this motion, the defendant agrees to exclude all time between March 28, 2005 and the new trial date as the continuance of the trial date is in the interests of justice.

MIGUEL IBARRA
By his attorney,

/s/ Catherine K. Byrne

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Date: March 3, 2005